

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

IN RE PRESCRIPTION
OPIATE LITIGATION

This document relates to:
Case No. 1:18-op-46326-DAP

THE MONTGOMERY COUNTY BOARD
OF COUNTY COMMISSIONERS and THE
STATE OF OHIO *EX REL.* MATHIAS H.
HECK, JR., PROSECUTING ATTORNEY,

Plaintiff,

vs.

CARDINAL HEALTH, INC. et al.,

Defendants.

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

Objection to Special Master's Ruling Regarding Track 7 Custodians

Introduction

Moving Defendants¹ object to the Special Master's April 15, 2022 ruling declining to require Plaintiff Montgomery County to add three current or former DEA task force officers ("TFOs") as document custodians, as later explained and clarified by the Special Master on April 24, 2022 (Exhibit 1, the "Ruling"). Discovery in prior tracks has shown that TFOs are important witnesses with important documents, and Montgomery County has not provided any reason to think its own TFOs will be any different. The Ruling deviates from past discovery practice in the MDL, and the reasoning underlying the Ruling is erroneous. Moving Defendants therefore request that the Court sustain this objection and order Montgomery County to add the TFOs as custodians.

¹ Moving Defendants are The Kroger Co., Kroger Limited Partnership I, Kroger Limited Partnership II, Meijer, Inc., Meijer Distribution, Inc., and Meijer Stores Limited Partnership.